

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

N.P.,

Plaintiff,

v.

LAWRENCE SVRCEK, ST. DEMETRIOS GREEK  
ORTHODOX CHURCH, GREEK ORTHODOX  
ARCHDIOCESE OF AMERICA, THE BOY SCOUTS OF  
AMERICA, and THE BOY SCOUTS OF AMERICA  
GREATER NEW YORK COUNCILS,

Defendants.

Index No.:

**SUMMONS****Venue is based on residence  
of one or more Defendant ST.  
DEMETRIOS GREEK  
ORTHODOX CHURCH,  
ST. DEMETRIOS GREEK  
ORTHODOX CHURCH  
8435 152nd St, Jamaica, NY  
11432.**

To the above-named Defendants:

**YOU ARE HEREBY SUMMONED** to answer the attached Verified Complaint of Plaintiff, N.P., dated October 11, 2019, a true and accurate copy of which is served upon you herewith. You must serve your Verified Answer upon the undersigned attorneys either (1) within twenty days after service of this Summons and the attached Verified Complaint, exclusive of the day you received it. if you were served personally in the State of New York, or (2) within thirty days after service, exclusive of the day you received it, if you were not served personally in New York State.

PLEASE TAKE NOTICE that should you fail to serve your Verified Answer within the time prescribed under applicable law, Plaintiff, N.P., will take judgment against you by default

for the relief demanded in the Verified Complaint pursuant to Section 3215 of the New York Civil Practice Law and Rules.

Dated: New York, New York  
October 11, 2019

**BELLUCK & FOX, LLP**



Kristina Georgiou, Esq.  
546 5<sup>th</sup> Avenue, 5<sup>th</sup> Floor  
New York, New York 10036

To:

LAWRENCE SVRCEK  
700 Latham Lane  
Orient, NY 11957

ST. DEMETRIOS GREEK ORTHODOX CHURCH  
8435 152nd St, Jamaica, NY 11432

GREEK ORTHODOX ARCHDIOCESE OF AMERICA  
8 E 79th St, New York, NY 10075

THE BOY SCOUTS OF AMERICA  
1325 W. Walnut Hill Lane # S406  
Irving Texas 75038

THE BOY SCOUTS OF AMERICA  
GREATER NEW YORK COUNCILS  
475 Riverside Dr, New York, NY 10115

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

-----X  
N.P.,

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Index No.:

**COMPLAINT**

Jury Trial Demanded

LAWRENCE SVRCEK, ST. DEMETRIOS GREEK  
ORTHODOX CHURCH, GREEK ORTHODOX  
ARCHDIOCESE OF AMERICA, THE BOY SCOUTS OF  
AMERICA, and THE BOY SCOUTS OF AMERICA  
GREATER NEW YORK COUNCILS

-----X  
N.P., by his undersigned attorneys, for his Complaint, alleges on personal knowledge as  
to himself and on information and belief as to all other matters, as follows:

**NATURE OF THE ACTION**

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019 (22 NYCRR 202.72). and CPLR §214-g.

2. The Child Victims Act allows individuals whom a sexual offense(s) was committed against as a child, recourse against those who both committed the sexual offense(s) and/or those who permitted the sexual offense(s) and failed to address it.

3. This is an action to recover damages arising from LAWRENCE SVRCEK sexual molestation of Plaintiff N.P. during the years of 1977-1982, when N.P. was approximately 11 years old.

4. LAWRENCE SVRCEK was N.P.' was a gym and science teacher at St. Demetrios, N.Y. Day School, which was the parochial school of ST. DEMETRIOS GREEK

ORTHODOX CHURCH, which was under the direction and control of the GREEK ORTHODOX ARCHDIOCESE OF AMERICA.

5. During the summer of 1977 LAWRENCE SVRCEK was in charge of the summer school at St. Demetrios, N.Y. Day School at which N.P. was a student.

6. During the periods of abuse, LAWRENCE SVRCEK maintained an office at St. Demetrios, N.Y. Day School, wherein he would engage in sexually explicit behavior and lewd and lascivious conduct with N.P..

7. LAWRENCE SVRCEK was also N.P.' Boy Scout Scoutmaster, Troop number 346, which was a part of THE BOY SCOUTS OF AMERICA, and THE BOY SCOUTS OF AMERICA GREATER NEW YORK COUNCILS.

8. LAWRENCE SVRCEK engaged in sexually explicit behavior and lewd and lascivious conduct with N.P. on multiple occasions between 1977 and 1982, in Queens County, at St. Demetrios, N.Y. Day School and at various campsites including but not limited to, 10 Mile River and Apline Scout Camp during Boy Scout trips,

9. During the period of molestation N.P. brought his concerns to the church board of ST. DEMETRIOS GREEK ORTHODOX CHURCH. LAWRENCE SVRCEK was removed as N.P.' Scoutmaster but remained as a teacher at St. Demetrios, N.Y. Day School.

10. LAWRENCE SVRCEK, ST. DEMETRIOS GREEK ORTHODOX CHURCH, GREEK ORTHODOX ARCHDIOCESE OF AMERICA, THE BOY SCOUTS OF AMERICA, and THE BOY SCOUTS OF AMERICA GREATER NEW YORK COUNCILS will be referred to collectively as the "Defendants."

11. ST. DEMETRIOS GREEK ORTHODOX CHURCH, GREEK ORTHODOX ARCHDIOCESE OF AMERICA, THE BOY SCOUTS OF AMERICA, and THE BOY

SCOUTS OF AMERICA GREATER NEW YORK COUNCILS will be referred to collectively as the “Supervisory Defendants.”

12. The Supervisory Defendants, who employed, supervised, and/ or directed LAWRENCE SVRCEK, failed to take steps to prevent LAWRENCE SVRCEK a from molesting the children in his care. Instead, the Defendants left a sexual predator in charge of school-age children and took no steps to protect the young victims on whom LAWRENCE SVRCEK preyed.

### **THE PARTIES**

13. Plaintiff N.P. resided in New York County, New York. At the time of the events complained of, he was a minor residing in Queens County, New York.

14. LAWRENCE SVRCEK is a resident of Suffolk County New York.

15. LAWRENCE SVRCEK was a teacher at St. Demetrios, N.Y. Day School, and a scoutmaster for THE BOY SCOUTS OF AMERICA during the periods of the molestations and abuse.

16. ST. DEMETRIOS GREEK ORTHODOX CHURCH is a New York not-for-profit corporation located in Queens County.

17. At all times herein mentioned is, ST. DEMETRIOS GREEK ORTHODOX CHURCH, is a Greek Orthodox Parish within and under the authority of the GREEK ORTHODOX ARCHDIOCESE OF AMERICA.

18. At all times herein mentioned is, ST. DEMETRIOS GREEK ORTHODOX CHURCH, created, oversaw, supervised, managed, controlled, directed and operated St. Demetrios, N.Y. Day School.

19. At all times herein mentioned is, ST. DEMETRIOS GREEK ORTHODOX CHURCH, oversaw, supervised, managed, controlled, directed LAWRENCE SVRCEK.

20. The GREEK ORTHODOX ARCHDIOCESE OF AMERICA is the governing and controlling body of the Greek Orthodox Church in the United States. It controls and operates over 500 parishes within eight “metropolises” and the Archdiocesan District.

21. Upon information and belief, the GREEK ORTHODOX ARCHDIOCESE OF AMERICA controls, owns, operates, and governs ST. DEMETRIOS GREEK ORTHODOX CHURCH in accordance with its own Parish Guidelines. The GREEK ORTHODOX ARCHDIOCESE OF AMERICA is headquartered in New York, New York.

22. At all times herein mentioned is, the GREEK ORTHODOX ARCHDIOCESE OF AMERICA, created, oversaw, supervised, managed, controlled, directed and operated, ST. DEMETRIOS GREEK ORTHODOX CHURCH.

23. At all times herein mentioned is, the GREEK ORTHODOX ARCHDIOCESE OF AMERICA, created, oversaw, supervised, managed, controlled, directed and operated St. Demetrios, N.Y. Day School.

24. At all times herein mentioned is the GREEK ORTHODOX ARCHDIOCESE OF AMERICA, oversaw, supervised, managed, controlled, directed LAWRENCE SVRCEK.

25. THE BOY SCOUTS OF AMERICA was and is a corporation with a principle place of business in Irving, Texas.

26. THE BOY SCOUTS OF AMERICA is authorized to do business and does business in the State of New York, in Queens county, and various other counties in the state through various local and regional Boy Scout organizations such as THE BOY SCOUTS OF AMERICA GREATER NEW YORK COUNCILS.

27. THE BOY SCOUTS OF AMERICA GREATER NEW YORK COUNCILS is located in New York County, New York.

**FACTUAL BACKGROUND**

28. ST. DEMETRIOS GREEK ORTHODOX CHURCH and the GREEK ORTHODOX ARCHDIOCESE OF AMERICA operated St. Demetrios, N.Y. Day School during 1972-1982.

29. LAWRENCE SVRCEK duties and responsibilities as a teacher and scoutmaster included supervising, interacting with, mentoring, and counseling minor boys.

30. LAWRENCE SVRCEK developed an inappropriate relationship with Plaintiff N.P. inducing Plaintiff as a very young child, to look up to him and to place absolute trust and confidence in him. LAWRENCE SVRCEK then abused that trust and confidence by sexually molesting N.P..

31. From 1978-1982, LAWRENCE SVRCEK engaged in this explicit sexual behavior and lewd and lascivious conduct with N.P. when N.P. was a minor child.

32. LAWRENCE SVRCEK was acting within the scope of his employment as a teacher and scoutmaster, soliciting N.P. trust and meeting with him outside the supervision of other adults. LAWRENCE SVRCEK abused N.P.'s trust and used such meetings as opportunities to rape and otherwise molest N.P..

33. LAWRENCE SVRCEK molested N.P. at the premises of St. Demetrios, N.Y. Day School and ST. DEMETRIOS GREEK ORTHODOX CHURCH.

34. LAWRENCE SVRCEK molested N.P. while at Boy scout outings and trips.

35. LAWRENCE SVRCEK encouraged underage drinking and supplied N.P. with alcohol while on Boy Scout camping trips.

36. LAWRENCE SVRECK, recommended Brian Hughes aka Gerald Esposito, to be a teacher at St. Demetrios, N.Y. Day School and be Boy Scout leader during the above-mentioned time period, and Brian Hughes subsequently was hired as a teacher and Boy Scout leader

37. Brian Hughes also engaged in sexually explicit behavior and lewd and lascivious conduct minor boys, including N.P..

38. Brian Hughes left his employ at St. Demetrios, N.Y. Day School suddenly and without warning during the above-mentioned time period. Several weeks later Brian Hughes was arrested for child molestation in New Jersey. Brian Hughes was a known child molester to the BOY SCOUTS OF AMERICA.

39. The Supervisory Defendants failed to direct and/or supervise Brian Hughes in a manner to prevent, or detect, Brian Hughes' sexual abuse of minor boys, including N.P..

40. THE BOY SCOUTS OF AMERICA is one of the largest youth organizations in the United States, with more than 2.4 million youth participants and nearly one million adult volunteers. THE BOY SCOUTS OF AMERICA was founded in 1910, and since then, more than 110 million Americans have been participants in THE BOY SCOUTS OF AMERICA programs at some time.

41. Throughout its history, THE BOY SCOUTS OF AMERICA has held itself out to the public as "moral and safe" environment for boys to participate in healthy outdoor activities and to be given proper guidance and instruction.



42. Despite carrying itself out as a "moral and safe environment", since the 1940s, THE BOY SCOUTS OF AMERICA has been surreptitiously removing Scoutmasters for child sexual abuse at a terrifying and shocking rate. THE BOY SCOUTS OF AMERICA records demonstrate that it has long known that scouting attracts pedophiles in large numbers and that scouts are at the heightened risk of sexual abuse by child molesters.

43. Notwithstanding this knowledge and relationship of trust owed to the children Boy Scouts and the parents who enrolled their children in the Boy Scouts, THE BOY SCOUTS OF AMERICA negligently, recklessly, and willfully failed to protect plaintiff from LAWRENCE SVRCEK 's sexual abuse, permitted the abuse to occur, neglected to adequately supervise LAWRENCE SVRCEK, failed to timely investigate LAWRENCE SVRCEK 's misconduct, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for LAWRENCE SVRCEK's sexual assault of Plaintiff and his consequential injuries and damage.

44. The Supervisory Defendants hired and/or appointed LAWRENCE SVRCEK as a teacher, coach, mentor, and counselor for minor boys. By so hiring or appointing him, the Supervisory Defendants made certain representations about LAWRENCE SVRCEK 's character, specifically that LAWRENCE SVRCEK was a role model for minor boys and an individual to whom minor boys could be safely entrusted. At the time the Supervisory Defendants hired and/or appointed LAWRENCE SVRCEK and made these representations about his character, the Supervisory Defendants knew, or should have known, of LAWRENCE SVRCEK 's propensity to molest boys and should not have put him in a position of trust and confidence with, and authority over, young boys.

45. Rather than taking steps to prevent LAWRENCE SVRCEK from sexually assaulting children, including removing him from a position of trust and confidence with, authority over, young boys, the Supervisory Defendants instead turned a blind eye while LAWRENCE SVRCEK repeatedly molested N.P. over a five period.

46. The Supervisory Defendants failed to direct and/or supervise LAWRENCE SVRCEK in a manner to prevent, or detect, LAWRENCE SVRCEK's sexual abuse of minor boys, including N.P..

47. As a result of LAWRENCE SVRCEK sexual abuse, N.P. suffered physical, psychological, and emotional injury. N.P. experienced feelings of guilt, loss of self-respect, shame, embarrassment, sadness, anger, depression, anxiety, and confusion resulting from LAWRENCE SVRCEK sexual abuse. N.P. developed life-long problems with authority, with sex, and with being touched as a result of LAWRENCE SVRCEK sexual abuse. He suffered from nightmares, panic attacks, and flashbacks.

48. N.P. only as an adult came to understand that he had been harmed and that the harm was caused by the explicit sexual behavior and lewd and lascivious acts of. LAWRENCE SVRCEK.

49. LAWRENCE SVRCEK "stole his life" from him, by molesting him when he was a child and leaving him with lifelong, deep-seated problems whose origins he did not until later on in his life suspect or understand.

### **CAUSES OF ACTION**

#### **FIRST CAUSE OF ACTION:**

**ASSAULT AND BATTERY, SEXUAL MOLESTATION ABUSE OD A MINOR, SEXUAL  
BATTERY**

50. That at all times hereinafter mentioned, the plaintiff repeat, reiterate, and reallege each and every allegation contained in the paragraphs of this Complaint designated as “1” through “49” herein , as though more fully set forth herein at length.

51. On numerous occasions from 1977 to 1982, Defendant LAWRENCE SVRCEK intentionally touched N.P. ’s body when he engaged in sexual behavior and the lewd and lascivious conduct described above. Such bodily contact was offensive and was without consent, because N.P., as a minor, was incapable of consenting to these acts.

52. The seduction, sexual touching, and molestations were committed against N.P. without his consent as N.P. did not comprehend or understand what LAWRENCE SVRCEK was doing or the harm it would cause him.

53. By reason of the age of the plaintiff at the time of the molestation and sexual abuse, the plaintiff was unable to perceive the harm posed to him by LAWRENCE SVRCEK and or his conduct/omissions and could not consent to the sexual and physical conduct by LAWRENCE SVRECK and did not consent.

54. At all times herein relevant LAWRENCE SVRCEK was acting within the course and scope of his employment, appointment and/or agency with ST. DEMETRIOS GREEK ORTHODOX CHURCH, and the GREEK ORTHODOX ARCHDIOCESE OF AMERICA.

55. At all times herein relevant LAWRENCE SVRCEK was acting within the course and scope of his employment, appointment and/or agency with THE BOY SCOUTS OF AMERICA, and THE BOY SCOUTS OF AMERICA GREATER NEW YORK COUNCILS.

56. At all times herein relevant, LAWRENCE SVRCEK offensively touched N.P. 's body, LAWRENCE SVRCEK while employed and/or appointed by some or all of the Supervisory Defendants as N.P. 's teacher, Scoutmaster, coach, mentor, and counselor. It was part of LAWRENCE SVRCEK job as role model, teacher, Scoutmaster, and coach, to gain N.P. 's trust.

57. LAWRENCE SVRCEK used his position, and the representations made by the Supervisory Defendants about his character that accompanied that position, to gain N.P. 's trust and confidence and to create opportunities to be alone with, and touch, N.P..

58. N.P. suffered injury as a result of LAWRENCE SVRCEK offensive bodily contact, including psychological and emotional injury as described above.

59. By the reason of the foregoing, LAWRENCE SVRCEK is liable to N.P. for battery in a sum exceeding the jurisdictional limits of all lower courts.

**SECOND CAUSE OF ACTION:**  
**NEGLIGENT HIRING**  
**AGAINST ALL SUPERVISORY DEFENDANTS**

60. That at all times hereinafter mentioned, the plaintiff repeat, reiterate, and reallege each and every allegation contained in the paragraphs of this Complaint designated as "1" through "59" herein , as though more fully set forth herein at length.

61. The Supervisory Defendants hired and/or appointed LAWRENCE SVRCEK as a teacher, Scoutmaster, coach, mentor, and/ or counselor for minor boys.

62. The Supervisory Defendants were negligent in hiring LAWRENCE SVRCEK because they knew, or if they did not know, they should have known, of his propensity to

develop inappropriate relationships with boys in his charge and to engage in sexual behavior and lewd and lascivious conduct with such boys.

63. LAWRENCE SVRCEK would not and could not have been in a position to sexually abuse N.P. had he not been hired by the Supervisory Defendants to be a teacher, Scoutmaster, coach, mentor, and/ or counselor for minors.

64. N.P. suffered injury as a result of LAWRENCE SVRCEK inappropriate sexual behavior and lewd and lascivious conduct, including psychological and emotional injury as described above.

65. As the result of said negligence, the plaintiff was caused to suffer severe physical and emotional injuries and pain and suffering; emotional and psychological distress and horror.

66. By the reason of the foregoing, the Defendants are liable to N.P. in a sum exceeding the jurisdictional limits of all lower courts.

**THIRD CAUSE OF ACTION:**  
**NEGLIGENT RETENTION, SUPERVISION AND/OR DIRECTION**  
**AGAINST ALL SUPERVISORY DEFENDANTS**

67. That at all times hereinafter mentioned, the plaintiff repeat, reiterate, and reallege each and every allegation contained in the paragraphs of this Complaint designated as "1" through "66" herein , as though more fully set forth herein at length.

68. At all times while LAWRENCE SVRCEK was employed or appointed by the various Supervisory Defendants, he was supervised by, under the direction of, and/or answerable to, the various Supervisory Defendants and/or their agents and employees.

69. At all times while LAWRENCE SVRCEK was employed or appointed by the various Supervisory Defendants, he was supervised by, under the direction of, and/or answerable to, the various Supervisory Defendants and/or their agents and employees.

70. The Supervisory Defendants were negligent in their direction and/ or supervision of LAWRENCE SVRCEK in that they knew, or if they did not know, they should have known, of his propensity to develop inappropriate relationships with boys under his charge and to engage in sexual behavior and lewd and lascivious conduct with such boys, yet they failed to take steps to prevent such conduct from occurring.

71. The Supervisory Defendants were negligent in their retention of LAWRENCE SVRCEK in that that they knew, or if they did not know, they should have known, of his propensity to develop inappropriate relationships with boys under his charge and to engage in sexual behavior and lewd and lascivious conduct with such boys, yet they retained him in his position as teacher, coach, and counselor to such boys and thus left him in a position to continue such behavior.

72. The Supervisory Defendants were further negligent in their retention, supervision, and/or direction of LAWRENCE SVRCEK in that LAWRENCE SVRCEK sexually molested N.P. on the premises of one or more Supervisory Defendants. The Supervisory Defendants failed to take reasonable steps to prevent such events from occurring on their premises.

73. That the Supervisory defendants, has as a matter of policy and practice and with deliberate indifference failed to adequately train, supervise, discipline, sanction or otherwise direct it's Scoutmasters, including, but not limited to LAWRENCE SVRCEK.

74. The defendants, knew or should have known that their failure to adequately address these issues within the school, dioceses , and the Boy Scouts had caused problems in the

past, and would continue to cause problems in the future, including allowing pedophiles near minors because of the failure to adopt and implement adequate policies, procedures and practices and to adequately screen, train, supervise and/or discipline Scoutmasters engaging in, or likely engage in such behavior.

75. The Supervisory defendants negligently failed to hire, retain, supervise, individuals who could safely act as teachers and/ or Scoutmasters for minors, by failing to conduct proper background checks on LAWRENCE SVRCEK , by failing to train local members in proper testing screening, and selection of LAWRENCE SVRCEK , as a Scoutmaster, by failing to monitor and supervise LAWRENCE SVRCEK 's training and activities as Scoutmaster. Defendants negligently managed, controlled, supervised, taught, educated, oversaw Boy Scouts over the years, including the Plaintiff.

76. The Supervisory Defendants were negligent careless in they knew or should have known that LAWRENCE SVRCEK was a pedophile and should have carefully supervised him and limited or prohibited his activities with all minors including N.P..

77. LAWRENCE SVRCEK would not and could not have been in a position to sexually abuse N.P. had he not been negligently retained, supervised, and/or directed by the Supervisory Defendants as a teacher, coach, mentor, and counselor to at the St. Demetrios, N.Y. Day School and by Plaintiff's local Boy Scout Troop.

78. But for the Supervisory Defendants' inaction in hiring, retaining, and failure to supervise LAWRENCE SVRCEK and in failing to use reasonable care to correct and remove LAWRENCE SVRCEK from his duties, he would not have been in the position to sexually abuse N.P..

79. N.P. suffered injury as a result of LAWRENCE SVRCEK inappropriate sexual behavior and lewd and lascivious conduct, including psychological and emotional injury as described above.

80. As the result of said negligence, the plaintiff was caused to suffer severe physical injuries and pain and suffering; emotional and psychological distress and horror.

81. By the reason of the foregoing, the Defendants are liable to N.P. in a sum exceeding the jurisdictional limits of all lower courts.

**FOURTH CAUSE OF ACTION:**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

82. That at all times hereinafter mentioned, the plaintiff repeat, reiterate, and reallege each and every allegation contained in the paragraphs of this Complaint designated as “1” through “81” herein, as though more fully set forth herein at length.

83. The sexual abuse of N.P. when he was a minor was extreme and outrageous, beyond all possible bounds of decency.

84. LAWRENCE SVRCEK acted intentionally, maliciously, and recklessly, for the purpose of causing severe emotional and physical distress to N.P..

85. The Supervisory Defendants knew or disregarded the substantial probability that LAWRENCE SVRCEK’s conduct would cause severe physical, psychological, and emotional distress to N.P..

86. In performing these wrongful acts, LAWRENCE SVRCEK’ abused his position as teacher and Scoutmaster and acted wantonly and reckless with complete disregard for the consequences to N.P. and others.



87. Because of N.P.'s sexual abuse, he suffered severe. Physical, psychological, and emotional injury.

88. At the time of LAWRENCE SVRCEK's misconduct and sexual abuse, he was acting at the direction of and with the authority invested in him, in a position of power, by the Supervisory Defendants, and was otherwise acting in the course and scope of his employment by the Supervisory Defendants.

89. By reason of the forgoing, all the Supervisory Defendants are liable for LAWRENCE SVRCEK's conduct under the doctrine of respondeat superior.

90. N.P. suffered injury as a result of LAWRENCE SVRCEK inappropriate sexual behavior and lewd and lascivious conduct, including psychological and emotional injury as described above.

91. As the result of said negligence, the plaintiff was caused to suffer severe physical injuries and pain and suffering; emotional and psychological distress and horror.

92. By the reason of the foregoing, the Defendants are liable to N.P. in a sum exceeding the jurisdictional limits of all lower courts.

**FIFTH CAUSE OF ACTION:**  
**NEGLIGENCE/ GROSS NEGLIGENCE**

93. That at all times hereinafter mentioned, the plaintiff repeat, reiterate, and reallege each and every allegation contained in the paragraphs of this Complaint designated as "1" through "93" herein, as though more fully set forth herein at length.

94. That at all times herein relevant LAWRENCE SVRCEK engaged in activities of a harmful nature and abused his position of trust and authority.

95. LAWRENCE SVRCEK utilized his role as a teacher and Scoutmaster by violating his duty of care, trust, loyalty toward plaintiff.

96. The wrongful acts and the injuries resulting therefrom were caused by the negligence, carelessness, and recklessness of LAWRENCE SVRCEK as a teacher for ST. DEMETRIOS GREEK ORTHODOX CHURCH and the GREEK ORTHODOX ARCHDIOCESE OF AMERICA.

97. The wrongful acts and the injuries resulting therefrom were caused by the negligence, carelessness, and recklessness of LAWRENCE SVRCEK as a Scoutmaster for THE BOY SCOUTS OF AMERICA, and THE BOY SCOUTS OF AMERICA GREATER NEW YORK COUNCILS.

98. The wrongful acts and the injuries resulting therefrom were caused by the negligence, careless, and recklessness of the Supervisory Defendants.

99. Such negligence consisted of negligence in failing exercise ordinary care, in causing physical, emotional and psychological harm and distress to the plaintiff; in humiliating the plaintiff; in inappropriately touching the plaintiff, in sexually abusing the plaintiff; in abusing his position of authority; in luring children; in attempting other various devious sexual acts; in breaching the fiduciary duty; in acting from a position of power and control over the minor plaintiff; in breaching the trust and loyalty to the plaintiff; in cover-up LAWRENCE SVRCEK 's wrongful acts; in failing to properly screen LAWRENCE SVRCEK; in allowing pedophiles to be around young children including the Plaintiff; in failing to investigate the previous activities of LAWRENCE SVRCEK ; in failing to investigate

the background, character and fitness of LAWRENCE SVRCEK to serve as a scoutmaster and teacher; in failing to adequately investigate and/or inquire into LAWRENCE SVRCEK 's background or history; in failing to adequately investigate LAWRENCE SVRCEK 's prior relationships with minor children; in failing to subject LAWRENCE SVRCEK to appropriate testing to uncover his pedophilic proclivities; in failing to have in systems or policies in place and a procedure to monitor, and supervise Scoutmasters and/or teachers who work closely with or come into contact with children; in allowing LAWRENCE SVRCEK to have children meet him with no other adults present; in allowing LAWRENCE SVRCEK to travel with children with no other adults present; in failing to take prompt action to remove LAWRENCE SVRCEK; in failing to take prompt action regarding complaints and suspicions of sexual molestation; in failing to adopt or enforce a two-adult rule; in failing to adopt policies and procedures to protect children; in failing to advise parents of information in the ineligible volunteers files; in failing to adequately maintain, review, and update the ineligible volunteer files; in failing to warn parents of information regarding scoutmaster and their propensity to engage in inappropriate behavior.

100. That the Supervisory Defendants were negligent by failing to supervise the conduct and activities of LAWRENCE SVRCEK.

101. That LAWRENCE SVRCEK was negligent, reckless and careless in sexually abusing the plaintiff and the Supervisory Defendants are liable for LAWRENCE SVRCEK ' s negligence under the doctrine of respondeat superior.

102. Upon information and belief, the Supervisory Defendants engaged in a plan of action to cover up incidents of the sexual abuse of minors by teaches and or Scoutmasters and prevent disclosure , prosecution, and civil litigation including but not limited to: failing to report

incidents of abuse to law enforcement or child protection agencies; concealing abuse they had substantiated and failing to seek out and redress the injuries its teachers and/or Scoutmasters and leaders had caused; and failing to advise local scouting agencies of the rampant problem of sexual abuse of scouts by Scoutmasters and leaders and that THE BOY SCOUTS OF AMERICA's system of "Ineligible volunteer Files" was ineffective at curbing the problem.

103. Based on these actions the Supervisory Defendants engaged in fraudulent concealment.

104. The Supervisory Defendants, by and through their agents representatives, conspired to cover up incidents of sexual abuse of minors by teachers and or Scoutmasters, including LAWRENCE SVRCEK , and to prevent disclosure, prosecution and civil litigation including but not limited to: failing to report incidents of childhood sexual abuse to law enforcement or child protection; aiding criminal child molesters in evading detection, arrest and prosecution; failing to warn; and failing to seek out and redress the injuries its adult teacher and or Scoutmaster had caused.

105. Based on these actions; the Supervisory Defendants, by and through their agents and representatives, conspired for the unlawful purposed of concealing and suppressing information on the danger and treat that LAWRENCE SVRCEK posed to unsuspecting children including the Plaintiff.

106. As the result of said negligence, the plaintiff was caused to suffer severe physical injuries and pain and suffering; emotional and psychological distress and horror.

107. By the reason of the foregoing, the Defendants are liable to N.P. in a sum exceeding the jurisdictional limits of all lower courts.

**SIXTH CAUSE OF ACTION:**  
**BREACH OF FIDUCIARY DUTY**

108. That at all times hereinafter mentioned, the plaintiff repeat, reiterate, and reallege each and every allegation contained in the paragraphs of this Complaint designated as “1” through “107” herein, as though more fully set forth herein at length.

109. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Defendants. This relationship is based on the entrustment of the Plaintiff while he was a minor child to the care and supervision of the agent or servant of the Defendants. This entrustment of the Plaintiff to the care and supervision of the Defendants, while the Plaintiff was a minor child, required the Defendants to assume a fiduciary relationship and to act in the best interests of the Plaintiff, as well as to protect him while he was a minor and vulnerable child

110. Pursuant to their fiduciary relationship, the Defendants were entrusted with the well-being, care, and safety of Plaintiff.

111. Pursuant to their fiduciary relationship, Defendants assumed a duty to act in the best interests of the Plaintiff.

112. The defendants breached that duty to the Plaintiff.

113. At all times material hereto, the Defendants actions and/or inactions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

114. As a result of said conduct plaintiff as suffered the injuries and damages described herein.

115. By the reason of the foregoing, the Defendants are liable to N.P. in a sum exceeding the jurisdictional limits of all lower courts.

**SEVENTH CAUSE OF ACTION:**  
**Breach of Duty *in Loco Parentis***

116. That at all times hereinafter mentioned, the plaintiff repeat, reiterate, and reallege each and every allegation contained in the paragraphs of this Complaint designated as “1” through “115” herein , as though more fully set forth herein at length.

117. While he was a minor, Plaintiff was entrusted by his parents to the control of the LAWRENCE SVRCEK, an agent or servant of the Supervisory Defendants, for the purposes of inter alia, providing Plaintiff with appropriate guidance and an opportunity to enjoy educational and youth activities under responsible adult supervision. These Defendants owe – and owed - a duty to children entrusted to them to act in loco parentis and to prevent foreseeable injuries.

118. Defendants breached their duty to act *in loco parentis*.

119. At all times material hereto, the Defendants actions and/or inactions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

120. As a result of said conduct Plaintiff as suffered the injuries and damages described herein.

121. By the reason of the foregoing, the Defendants are liable to N.P. in a sum exceeding the jurisdictional limits of all lower courts.

**EIGHTH CAUSE OF ACTION:**  
**BREACH OF STATUTORY DUTY TO REPORT ABUSE UNDER SOC.**  
**SERV. LAW §§ 413, 420**

122. That at all times hereinafter mentioned, the plaintiff repeat, reiterate, and reallege each and every allegation contained in the paragraphs of this Complaint designated as “1” through “121” herein , as though more fully set forth herein at length.

123. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Supervisory Defendants had a statutorily imposed duty to report reasonable suspicion of abuse of children in their care.

124. The Supervisory Defendants breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by LAWRENCE SVRCEK.

125. As a result of said conduct plaintiff as suffered the injuries and damages described herein.

126. By the reason of the foregoing, the Defendants are liable to N.P. in a sum exceeding the jurisdictional limits of all lower courts.

**NINTH CAUSE OF ACTION:**  
**PREMISE LIABILITY**

127. That at all times hereinafter mentioned, the plaintiff repeat, reiterate, and reallege each and every allegation contained in the paragraphs of this Complaint designated as “1” through “126” herein , as though more fully set forth herein at length.

128. At all times herein relevant the Defendants ST. DEMETRIOS GREEK ORTHODOX CHURCH and the GREEK ORTHODOX ARCHDIOCESE OF AMERICA owned operated, and /or controlled the premises of Defendant ST. DEMETRIOS GREEK ORTHODOX CHURCH and at St. Demetrios, N.Y. Day School including the areas where the sexual abuse of Plaintiff occurred.

129. At all times herein relevant the Defendants THE BOY SCOUTS OF AMERICA, and THE BOY SCOUTS OF AMERICA GREATER NEW YORK COUNCILS operated, and /or controlled the premises of Defendant ST. DEMETRIOS GREEK ORTHODOX CHURCH and at St. Demetrios, N.Y. Day School including the areas where the sexual abuse of Plaintiff occurred.

130. Defendants ST. DEMETRIOS GREEK ORTHODOX CHURCH and the GREEK ORTHODOX ARCHDIOCESE OF AMERICA had a duty to see that the premises at which Plaintiff was rightfully present were in a reasonably safe condition for the intended use by students, like Plaintiff, whose presence was reasonably anticipated.

131. Defendants THE BOY SCOUTS OF AMERICA, and THE BOY SCOUTS OF AMERICA GREATER NEW YORK COUNCILS had a duty to see that the premises at which Plaintiff was rightfully present were in a reasonably safe condition for the intended use by Boy Scouts, like Plaintiff, whose presence was reasonably anticipated.

132. The Supervisory Defendants willfully, recklessly, and negligently failed to provide a reasonably safe premise that was free from the presence of sexual predators and/or the assault by the occupants of the premises, including LAWRENCE SVRECK thereby breaching their duty of care to the plaintiff.

133. As a result of said conduct plaintiff suffered the injuries and damages described herein.

134. By the reason of the foregoing, the Defendants are liable to N.P. in a sum exceeding the jurisdictional limits of all lower courts.

**TENTH CAUSE OF ACTION:**  
**PUNITIVE DAMAGES**



135. That at all times hereinafter mentioned, the plaintiff repeat, reiterate, and reallege each and every allegation contained in the paragraphs of this Complaint designated as “1” through “134” herein , as though more fully set forth herein at length.

136. The actions of the Defendants herein-above alleged, were malicious, willful and grossly negligent.

137. The conduct of the Defendants was done with the utter disregard as to the injuries that would ensue and with depraved indifference to the health and well-being of children, and to the fact that defendants knowingly subjected children, including the plaintiff, to sexual predators.

138. The Supervisory Defendants, by and through their agents representatives, conspired to cover up incidents of sexual abuse of minors by teachers and/or Scoutmasters, including LAWRENCE SVRCEK , and to prevent disclosure, prosecution and civil litigation including but riot limited to: failing to report incidents of childhood sexual abuse to law enforcement or child protection agencies; aiding criminal child molesters in evading detection, arrest and prosecution; failing to seek out and redress the injuries its adult teacher and scoutmaster had caused.

139. Based on these actions, the Supervisory Defendants, by and through their agents and representatives, conspired for the unlawful purposed of concealing and suppressing information on the danger and treat that LAWRENCE SVRCEK posed to unsuspecting children including N.P..

140. Upon Information and belief, the Supervisory Defendants were engaged in a plan of action to cover up incidents of the sexual abuse of minors.

141. Based on these actions the Supervisory defendants engaged in fraudulent concealment.

142. As a result of the Defendants conduct that was wanton, reckless, malicious, and a conscious indifference and utter disregard of its effect on the health, safety and right of other including plaintiff, plaintiff is entitled to recover punitive damages in the amount to be determined by the finder of fact.

143. By reason of the foregoing, the plaintiff, demands judgment for punitive damages against all the defendants, in a sum exceeding the jurisdictional limits of all the lower courts.

#### **JURY DEMAND**

144. Plaintiff demands a trial by jury of all issues triable by jury in this action.

WHEREFORE Plaintiff demands judgment against the Defendants on each cause of action as follows:

A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;

B. Awarding punitive damages to the extent permitted by law;

C. Awarding prejudgment interest to the extent permitted by law;

D. Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law;

E. Awarding such other and further relief as to this Court may seem just and proper.

**BELLUCK & FOX, LLP**

A handwritten signature in cursive script, appearing to read "Kristina Georgiou", written over a horizontal line.

Kristina Georgiou, Esq.  
546 5<sup>th</sup> Avenue, 5<sup>th</sup> Floor  
New York, New York 10036

ATTORNEY VERIFICATION

STATE OF NEW YORK )

)

COUNTY OF NEW YORK )

**Kristina M. Georgiou.**, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an associate of BELLUCK & FOX, LLP, attorneys of record for Plaintiff.

I have read the annexed COMPLAINT and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not by plaintiff is that Plaintiff is not presently in the county wherein I maintain my offices.

Dated: New York, New York

October 11, 2019

BELLUCK & FOX, LLP

  
Kristina M. Georgiou, Esq.